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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,550	10/18/2001	Seung Hoon Hwang	HI-0046	5062

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EXAMINER

MURPHY, RHONDA L

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/978,550

**Applicant(s)**

HWANG ET AL.

**Examiner**

Rhonda Murphy

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20,22-27,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 19,20,22-27,29 and 30 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 12-18 is/are rejected.
- 7) ☒ Claim(s) 8-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/1/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This communication is responsive to the amendment filed on 1/9/06. Accordingly, claims 21 and 28 have been canceled, claims 29-30 have been newly added and claims 1-20, 22-27 and 29-30 are currently pending in this application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 7 and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagting et al. (US 6,236,860) in view of Butovitsch et al. (US 6,708,041).

**Regarding claim 1**, Hagting teaches transmitting information for an uplink synchronous transmission for a first base station and a second base station (Fig. 4); resetting a radio link between a mobile station and the second base station, based on the information for the uplink synchronous transmission (Fig. 4b, col. 10, lines 17-20); and adjusting a base time for the uplink synchronous transmission of communication data by the mobile station to match the base time of an uplink synchronization scheme of the second base station when the mobile station moves from a first area corresponding to the first base station to a second area corresponding to the second base station (col. 10, lines 17-30).

Hagting fails to explicitly disclose a radio network controller. However, radio network controllers are well known in the art for transmitting information to base stations. Furthermore, Butovitsch teaches a radio network controller transmitting information to base stations (Fig. 1; col. 6, lines 4-10).

In view of this, it would have been obvious to one skilled in the art to modify Hagting's method by including a radio network controller that transmits information to the base stations, for the purpose of communicating with the base stations.

**Regarding claim 2**, Hagting teaches information for the uplink synchronous transmission as an identifier of the uplink synchronous transmission scheme (col. 7, lines 29-34).

**Regarding claim 3**, Hagting teaches the information for the uplink synchronous transmission as a scramble code of the uplink synchronous transmission scheme (col. 7, lines 57-59).

**Regarding claim 4**, Hagting teaches the information for the uplink synchronous transmission as a channelizing code number of the uplink synchronous transmission scheme (col. 7, lines 29-34).

**Regarding claim 5**, Hagting teaches transmitting a measurement control command for measuring an uplink synchronous timing (col. 2, lines 50-60; col. 4, lines 43-47).

**Regarding claim 6**, Hagting teaches the measurement control command as stated above in the rejection of claim 5. It would have been obvious for the measurement control command to includes a measurement type and a reporting characteristic, since the measuring command must defined for what is being measuring.

Furthermore, Butovitsch teaches a measurement type and reporting characteristic (col. 7, lines 23-40).

In view of this, it would have been obvious to one skilled in the art to modify Hagting's method by including such measurement type and reporting characteristic, so as to accurately perform a specific measurement when commanded.

**Regarding claim 7**, Hagting teaches reconfigured the radio link by converting a mode of the uplink synchronous transmission scheme (col. 4, lines 36-65).

**Regarding claim 12**, Hagting teaches transmitting communication data to a first base station (col. 7, lines 21-23); checking pilot signal levels (col. 9, lines 13-16); transmitting communication data to the base stations (col. 10, lines 17-30); and changing a base time for the synchronous transmission scheme used by a mobile station to a base time of the second base station in response to movement of the mobile station into an area served by the second base station (col. 10, lines 17-30).

Hagting fails to explicitly disclose checking a second pilot signal from a second base station; transmitting communication data to the second base station; checking a first pilot signal from the first base station and rechecking the second pilot signal from the second base station.

However, Butovitsch teaches checking a second pilot signal from a second base station (col. 6, lines 37-49); transmitting communication data to the second base station (col. 6, lines 45-49); checking a first pilot signal from the first base station and rechecking the second pilot signal from the second base station (col. 6, lines 37-58).

In view of this, it would have been obvious to one skilled in the art to modify Hagting's method by checking a pilot signal from a first and second base station and recheck the pilot signal, for the purpose of obtaining a power level measurement.

**Regarding claim 13**, Hagting teaches the synchronous transmission scheme as an uplink synchronous transmission scheme (col. 7, lines 29-34).

**Regarding claim 14**, Hagting teaches transmitting the communication data to the second base station based on the pilot signal strength (col. 2, lines 50-55). Hagting fails to explicitly disclose transmitting data to the second base station when the intensity of the checked second pilot signal exceeds a threshold.

However, Examiner takes official notice that it is known in the art for data to be transmitted to a second base station when the intensity of the pilot signal exceeds a threshold. In view of this, it would have been obvious to one skilled in the art to include the above method, for the purpose of communicating with the base station that provides the strongest pilot signal.

**Regarding claim 15**, Hagting teaches changing the base time in accordance with the quality of a radio link between either the first base station and the mobile station or the second base station and the mobile station (col. 2, lines 50-60).

**Regarding claim 16**, Hagting teaches the radio link is between the second base station and the mobile station (Fig. 4c).

**Regarding claim 17**, Hagting teaches changing the base time for the synchronous transmission scheme is conducted in accordance with the number of mobile stations linked to either the first base station or the second base station (col. 9, lines 26-36).

**Regarding claim 18**, Hagting teaches changing the base time for the synchronous scheme conducted after comparing the number of mobile stations linked to the second base station with the number of mobile stations linked to the first base station (col. 9, lines 26-36).

***Response to Arguments***

3. Applicant's arguments with respect to claims 1 and 12 have been considered but are moot in view of the new ground(s) of rejection.
4. Applicant's arguments, see pages 15-17, filed 1/9/06, with respect to claims 19, 27 and 29 have been fully considered and are persuasive. The rejection of claims 19-20, and 22-27 has been withdrawn.

***Allowable Subject Matter***

5. Claims 19-20, 22-27 and 29-30 allowed.
6. Claims 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 8:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

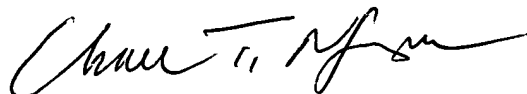
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Art Unit: 2616

Rhonda Murphy  
Examiner  
Art Unit 2616

RM

A handwritten signature in black ink, appearing to read "Chau Nguyen", with a stylized flourish at the end.

CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600